

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WILLIAM JAMES WALLACE, II,
Plaintiff,
v.
J. WHITE, et al.,
Defendants.

Case No. 1:20-cv-00844-NONE-EPG (PC)

ORDER DIRECTING PLAINTIFF TO FILE
OPPOSITION OR STATEMENT OF NON-
OPPOSITION TO DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT WITHIN
THIRTY DAYS

(ECF No. 47)

Plaintiff William James Wallace, II ("Plaintiff") is a former state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On October 25, 2021, Defendants filed a motion for summary judgment. (ECF No. 47.) Plaintiff was required to file an opposition or statement of non-opposition to the motion within twenty-one days, Local Rule 230(l), but did not do so.

Local Rule 230(l) provides that the failure to oppose a motion "may be deemed a waiver of any opposition to the granting of the motion and may result in the imposition of sanctions." While a motion for summary judgment cannot be granted by default, *Heinemann v. Satterberg*, 731 F.3d 914, 916 (9th Cir. 2013), the Court does have other options when a party fails to respond. For example, if Plaintiff fails to respond, the Court may treat the facts asserted by Defendants as "undisputed for purposes of the motion." Fed. R. P. 56(e)(2). Alternatively, if

1 Plaintiff fails to oppose the motion or file a statement of non-opposition, the Court may
2 recommend that this case be dismissed for failure to prosecute and failure to comply with a court
3 order.

4 Accordingly, based on the foregoing, IT IS HEREBY ORDERED that within thirty days
5 from the date of service of this order, Plaintiff shall file an opposition or a statement of non-
6 opposition to Defendants' motion for summary judgment.

7 IT IS SO ORDERED.

8
9 Dated: November 29, 2021

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE